



Patent Docket P0871P2D2

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of Dan L. Eaton et al. Serial No.: 08/430,035 Filed: 27 April 1995 For: Monoclonal Antibody to Human mpl Ligand	Group Art Unit: 1812 Examiner: F. Eisenschenk CERTIFICATE OF MAILING I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail in an envelope addressed to: Assistant Commissioner of Patents, Washington, D.C. 20231 on July 15, 1997 <i>Sandra K. T. Sullivan</i> Sandra K. T. Sullivan
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#16
M.G.J
7/26/97
(NE)

RESPONSE TO PAPER NO. 15

Assistant Commissioner of Patents
Washington, D.C. 20231

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Sir:

This is responsive to the Final Office Action dated April 15, 1997, Paper No. 15. Applicants respectfully request reconsideration of the application in view of the following.

Claims 9 and 10 stand rejected under 35 U.S.C. §101 for both obviousness-type double patenting (Item 17 from Paper No. 15) and same invention double patenting (Item 18 of Paper No. 15).

No claims covering antibodies from this fairly large family of related cases has been allowed. Furthermore, it is believed that when antibody claims are found allowable, prosecution will be suspended pending a possible interference proceeding. Which case in this family, if any, will prevail in the interference is indeterminable, thus, canceling claims to overcome, same invention double patenting or filing terminal disclaimers seems premature.

In Item 19 of Paper No. 15, the Examiner has required applicants to list all pending applications which contain claims directed to antibodies specific for the mpl ligand. The following table should satisfy this requirement.

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<u>Attorney Docket No.</u>	<u>Serial Number</u>	<u>Claims</u>
P0871C1D1	08/429,765	6, 7, 24-26
P0871C1D3	08/430,010	9-10
P0871P2D2	08/430,035	9-10
P0871P3D1	08/422,545	13-14
P0871P5D4	08/433,767	20-21


Item 19 further requires a filing of terminal disclaimers over such applications. Terminal disclaimers are provided herein. A petition under 37 C.F.R. § 1.84(b) to accept black and white photographs will be submitted when claims are found allowable.

Applicants believe that this response puts this case in condition for allowance. Nevertheless, should the Examiner have any further comments or questions, he is invited to call Daryl Winter at (415) 225-1249 concerning these.

Respectfully submitted,

GENENTECH, INC.

Date: July 15, 1997

By: 
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